

Regular Session, May 17, 2010, 7:00 p.m.
Catawba County Board of Commissioners

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The Catawba County Board of Commissioners met in regular session on Monday, May 17, 2010 at 7:00 p.m. in the Robert E. Hibbitts Meeting Room of the 1924 Courthouse in Newton, North Carolina.

Present were Chair Katherine W. Barnes, Vice-Chair Lynn M. Lail and Commissioners Dan A. Hunsucker, Glenn E. Barger and Barbara G. Beatty.

Also present were County Manager J. Thomas Lundy, Assistant County Manager Lee Worsley, Assistant County Manager Dewey Harris, County Attorney Debra Bechtel, Deputy County Attorney Anne Marie Pease and County Clerk Barbara Morris.

1. Chair Katherine W. Barnes called the meeting to order at 7:05 p.m. and indicated that this meeting followed a work session to review the EcoComplex which the Board attended at CVCC East Campus starting at 4:00 p.m.
2. Commissioner Dan A. Hunsucker led the Pledge of Allegiance to the Flag.
3. Commissioner Barbara G. Beatty offered the invocation.
4. Commissioner Hunsucker made a motion to approve the minutes from the Regular Meeting of April 19, 2010. The motion carried unanimously.
5. Recognition of Special Guests: Chair Barnes welcomed Judge Poovey, Commissioner Candidate Randy Isenhour and the AP Government students from Bandys High School as well as all others present.
6. Public Comments for Items not on the Agenda: None.
7. Presentations:
 - a. Commissioner Beatty presented EMS Manager Sylvia Fisher with a proclamation recognizing May 16-22, 2010 as Emergency Medical Services Week. The week commends Emergency Medical Services for providing lifesaving care for those in need, twenty-four hours per day, seven days a week, and spotlights the benefits Americans receive from these highly trained, knowledgeable individuals and the reduction in national health care costs resulting from these services. The Board took this opportunity to congratulate Sylvia Fisher on her new position as the County's EMS Manager.
 - b. Commission Barger presented a proclamation declaring May as Foster Care Month, to recognize that family is the foundation of our communities, the vital role foster families play in helping children and families heal, and the enduring and valuable contribution of foster parents and the child welfare professional staff working with them.
 - c. Vice-Chair Lail presented Bebe Leitch, President of the Hickory Metro Convention and Visitor Bureau, with a proclamation recognizing May 8-16, 2010 as Travel and Tourism Week. The week commends the travel industry for the jobs it creates, the tax revenue it generates and its economic impact in Catawba County and the State of North Carolina.
8. Public Hearing:

Mary George, Assistant Planning Director, came forward to request the Board hold a public hearing on updates to the Catawba County Multi-jurisdictional Hazard Mitigation Plan, and then adopt a resolution of approval as well as a resolution which would name Catawba County Emergency Services Director, Bryan Blanton (replacing David Weldon who was previously named the primary agent) as the primary agent and Assistant Planning Director Mary George as secondary agent for the County's Hazard Mitigation Planning grant.

The Federal Disaster Mitigation Act of 2000 and North Carolina Senate Bill 300 require local governments to develop hazard mitigation plans to remain eligible for pre-disaster and post-disaster funding through the Federal Emergency Management Agency (FEMA). Catawba County, along with the municipalities in the County, adopted its first multi-jurisdictional hazard mitigation plan in September 2004. The adopted plan was approved by FEMA in April 2005 and remained in effect for five years. FEMA requires plans to be updated every five years in order to remain eligible for disaster assistance money.

Under the Federal and State legislation, a locally-adopted hazard mitigation plan should address actions to be taken over the next 10-15 years which reduce or eliminate the long-term risk to human life and property from natural hazards, such as floods, hurricanes and tornadoes, and not man-made disasters such as technological accidents or acts of terrorism.

In early 2009, a Multi-jurisdictional Hazard Mitigation Committee was formed to begin the process of updating the County's 2004 plan. A FEMA Hazard Mitigation Planning Grant was secured to develop

the plan update. Representatives from Catawba County and the cities of Brookford, Catawba, Claremont, Conover, Hickory, Long View, Maiden and Newton participated in the update of the county-wide plan. Outside agencies, including the American Red Cross and the Contingency Planning Association of the Carolinas, were also invited to participate in the planning process. The committee focused on three distinct elements that are required components of the plan: 1) risk assessment; 2) capability assessment; and 3) mitigation strategies. The risk assessment process included a general hazard identification process, analysis, and vulnerability assessment for the natural hazards that affect Catawba County. The risk assessment was used to prioritize hazard risks and develop appropriate mitigation strategies for each local government in the county.

The natural hazards which Catawba County is at risk for include (in decreasing risk level): flooding; hurricanes and tropical storms; severe thunderstorm and tornadoes; wildfire; drought/extreme heat; winter storms and freezing; erosion; dam/levee failure; earthquake, sinkholes and landslides, and effects of climate change on natural hazards. All of these, with the exception of the effects of climate change on natural hazards, were identified in the 2004 plan. With more focus being placed on climate change at both the State and Federal level, this additional hazard was added to the County's 2010 plan.

The capability assessment involved each local government's examination of its capabilities, such as regulatory, administrative, technical and fiscal, to implement mitigation strategies. The assessment served to highlight some of the positive mitigation measures already in place and to identify any existing gaps, conflicts or weaknesses that may need to be addressed through future mitigation planning actions. The committee then developed overall county-wide goals which are consistent with those adopted in the 2004 plan. The goals were then further refined by each local government's specific mitigation strategies. Each proposed mitigation action is tied to an implementation strategy with a department or person responsible for carrying out the specific action, a timeline for its completion and potential funding sources, if applicable.

Mitigation strategies are classified into six broad categories:

1) prevention: regulatory requirements in order to prevent a hazard from becoming worse, such as an open space requirement within floodplains; 2) property protection: modification of existing buildings or structures to help them better withstand the forces of a hazard, such as a retrofitting a building with floodproofing mechanisms; 3) natural resource protection: preserve or restore natural areas and their protective functions, such as floodplain protection; 4) structural projects: to lessen the impacts of a hazard by the construction of a structure such as a dam or levee; 5) emergency services: actions taken immediately prior to, or in response to, a hazard event, such as development of an evacuation plan; and 6) public education and awareness: advise residents, elected officials and business owners about hazards and ways they can protect themselves, such as outreach projects in high hazard areas.

The specific mitigation strategies developed for Catawba County were identified through coordination of many departments/agencies including: Emergency Services, Fire Marshal, Planning, Parks and Development, Utilities and Engineering, Social Services, Public Health, Cooperative Extension, Forest Service and the American Red Cross. These strategies are consistent with actions being recommended by other jurisdictions in the state. Overall, the County has implemented many of the strategies identified in the 2004 plan, subject to availability of funding.

It was recommended that the 2010 plan strategies be implemented through the development of policies or regulations, public education and purchase of infrastructure, such as generators. Infrastructure and acquisition projects will be subject to the availability of grants to pay for these items. Public input was solicited during the development of the plan. This included an initial public meeting on May 29, 2009, with approximately a dozen individuals in attendance. To further solicit public input, a survey was distributed county-wide through city and county offices and on local government web sites. The survey generated 75 responses which were used in the development of the mitigation strategies. Following the development of draft goals and strategies, another public meeting was held on July 29, 2009 with approximately a dozen individuals in attendance.

The Hazard Mitigation Committee reviewed the input received from the public meetings and finalized the plan in September 2009. The plan was then forwarded to the North Carolina Division of Emergency Management (NCDEM) in October 2009 for a coordinated review with NCDEM and FEMA. Upon reviewing the plan in March 2010, FEMA requested minor amendments to fulfill regulatory requirements for the plan. After these changes were made, an approval letter from FEMA was received by the County in April 2010, which gives authority for the County to proceed with adoption of the plan.

Chair Barnes opened the public hearing and no one came forward to speak. Commissioner Lail made a motion to adopt both a resolution of approval and a resolution which would name Catawba County Emergency Services Director, Bryan Blanton (replacing David Weldon who was previously named the primary agent) as the primary agent and Assistant Planning Director Mary George as secondary agent for the County's Hazard Mitigation Planning grant. The motion carried unanimously. The following resolution of approval applies:

RESOLUTION #2010-

CATAWBA COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

WHEREAS, the citizens and property within Catawba County are subject to the effects of natural hazards that pose threats to lives and cause damage to property, and with the knowledge and experience that certain areas of the county are particularly vulnerable to flooding, winter storms, hurricanes and tropical storms, severe thunderstorms and tornadoes, earthquake and wildfire; and

WHEREAS, the County desires to seek ways to mitigate the impact of identified hazard risks; and

WHEREAS, the Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Legislature of the State of North Carolina has in Section 1 Part 166A of the North Carolina General Statutes (adopted in Session Law 2001-214 -- Senate Bill 300 effective July 1, 2001), states therein in Item (a) (2) "For a state of disaster proclaimed pursuant to G.S. 166A-6(a) after August 1, 2002, the eligible entity shall have a hazard mitigation plan approved pursuant to the Stafford Act"; and

WHEREAS, Section 322 of the Federal Disaster Mitigation Act of 2000 states that local governments must develop an All-Hazards Mitigation Plan in order to be eligible to receive future Hazard Mitigation Grant Program Funds and other disaster-related assistance funding and that said Plan must be updated and adopted within a five year cycle; and

WHEREAS, Catawba County has performed a comprehensive review and evaluation of each section of the previously approved Hazard Mitigation Plan and has updated the said Plan as required under regulations at 44 CFR Part 201 and according to guidance issued by the Federal Emergency Management Agency and the North Carolina Division of Emergency Management.

WHEREAS, it is the intent of the Catawba County Board of Commissioners to fulfill this obligation in order that the County will be eligible for federal and state assistance in the event that a state of disaster is declared for a hazard event affecting the County;

NOW, THEREFORE BE IT RESOLVED that the Catawba County Board of Commissioners hereby:

1. Adopts the updated Catawba County Multi-Jurisdictional Hazard Mitigation Plan; and

2. Vests the Catawba County Planning, Parks and Development Department with the responsibility, authority, and the means to:
 - (a) Inform all concerned parties of this action.
 - (b) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map and identify floodplain areas, and cooperate with neighboring communities with respect to management of adjoining floodplain areas in order to prevent exacerbation of existing hazard impacts.
3. Appoints the Catawba County Planning, Parks and Development Department to assure that the Hazard Mitigation Plan is reviewed annually and every five years as specified in the Plan to assure that the Plan is in compliance with all State and Federal regulations and that any needed revisions or amendments to the Plan are developed and presented to the Catawba County Board of Commissioners for consideration.
4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the Hazard Mitigation Plan.

Adopted this _____ day of _____, 2010.

9. Appointments.

Chair Barnes recommended the appointment of Andrew Jennings for an unexpired term to the Juvenile Crime Prevention Council in the juvenile court attorney category. Mr. Jennings' term will expire June 30, 2011. Chair Barnes also recommended the reappointment of Ray Von Beatty and Danny Graves for second terms, expiring on June 30, 2013, to the Mental Health Partners' Board of Directors and reappointed Helen DeCuzzi for a fourth term on the Salt Block Foundation Board. Ms. DeCuzzi's term will expire June 30, 2012. Commissioner Barger recommended the reappointment of Charles Preston for a second term, expiring June 30, 2014, on the CVCC Board of Trustees and the appointment of Michael Blackburn for a first term to replace Dan McEachran on the Social Services Board. Mr. Blackburn's term will expire June 30, 2013. Commissioner Hunsucker recommended the appointment of Jerome Bolick for an unexpired term to Newton-Conover Auditorium Authority. Mr. Bolick will replace Jane Sigmon who resigned due to ill health and his term will expire June 30, 2013. These recommendations came in the form of a motion and the motion carried unanimously.
- 10: Consent Agenda:

County Manager J. Thomas Lundy presented the following two items on the consent agenda:

 - a. A request for the Board to authorize the City of Newton to issue pyrotechnics permits and confirm the Board's approval, previously obtained by polling, of Mr. Michael Jarrett's pyrotechnics permit for May 15, 2010. Article 54, Chapter 14 of the North Carolina General Statutes regulates the sale, manufacture, use, etc. of pyrotechnics. Under NCGS 14-413, a Board of County Commissioners may issue permits for pyrotechnics use in connection with concerts or public exhibitions, such as fairs, carnivals, shows and public celebrations, provided other statutory conditions are met. This same statute provides that a board of county commissioners may authorize the governing body of any city in the county to issue these permits by adopting a resolution. The transfer of authority remains in effect until withdrawn by the board of commissioners adopting a subsequent resolution withdrawing the authority.

On May 7, 2010, the County Manager received a request from Newton City Manager Todd Clark for the Board to grant the City of Newton authority to issue permits in accordance with Article 54. The City will review any submitted applications to ensure compliance with all the requirements of the General Statutes. Due to the cancellation of the Board's May 3, 2010 meeting, the Board was polled regarding approval of a pyrotechnics permit request from Mr. Michael Jarrett. Mr. Jarrett's event was scheduled to take place prior to the next meeting of the Board, which required polling to approve the permit

The following resolution applies:

RESOLUTION NO. 2010-

**AUTHORITY FOR THE CITY OF NEWTON TO ISSUE
PERMITS FOR PYROTECHNICS TO BE EXHIBITED**

WHEREAS, NCGS 14-413, Permits For Use at Public Exhibitions, authorizes counties to issue permits for pyrotechnics use in connection with concerts or other public exhibitions; and

WHEREAS, NCGS 14-413(a1) provides a board of county commissioners may authorize the governing body of any city in the county to issue pyrotechnics permits; and

WHEREAS, should a county board of commissioners grant such authority to the city it shall remain in effect until withdrawn by the board of county commissioners adopting a subsequent resolution withdrawing the authority; and

WHEREAS, the City of Newton has requested the Catawba County Board of Commissioners grant the city the authority to issue pyrotechnics permits in accordance with the provisions of Article 54 of Chapter 14 within the City's corporate limits; and

WHEREAS, the City of Newton has the expertise to ensure the safety of its citizens and insure an applicant's compliance with Article 54 of Chapter 14.

NOW, THEREFORE, the Catawba County Board of Commissioners does hereby authorize the City of Newton to issue pyrotechnics permits in accordance with Article 54, Chapter 14 of the North Carolina General Statutes.

This the 17th day of May, 2010.

b. A request for the Board to approve a tax refund request in the amount of \$791.02. Records had been checked and the refund verified; therefore, the Tax Collector asked for approval of the refund requests. Under North Carolina General Statute 105-381, a taxpayer who has paid taxes may request a refund in writing for an amount paid through error.

Commissioner Barger made a motion to approve the consent agenda. The motion carried unanimously.

11. Departmental Reports.

Finance:

A. Finance Director Rodney Miller and Catawba County Schools Superintendent Tim Markley came forward and requested the Board approve the renovation of Arndt Middle School at an estimated cost of \$5.2 million, and authorize an application for 2010 Qualified School Construction Bonds to take advantage of the potential to issue zero-interest bonds for the school project. In addition, the Board was requested to appropriate funds, sufficient to complete the project up to \$5.2 million, and to transfer any remaining QSCB funds to the Newton-Conover Middle School project.

The Arndt Middle School renovation project was planned in the current four-year construction cycle at a cost of \$4,251,000. Plans for the middle school included an eight classroom addition as a base bid, with alternates for an additional four classrooms and a new entrance/exit to the school off Sulphur Springs Road to alleviate traffic congestion associated with the high school. Construction bids were received on April 15, with Matthews Construction of Conover, NC as the low bidder on the project with a total cost of \$3.9 million, including both alternates. With construction bids significantly under budget, the Catawba County Board of Education authorized its staff to solicit construction bids for the expansion of the school gymnasium, which could be completed along with the renovation project above. The gymnasium at Arndt is the smallest in the school district, with a capacity of 383 persons and a current student enrollment of 646 students. These bids are due by the end of May 2010 and are estimated to be approximately \$1.3 million.

In the fall of 2009, the Board of Commissioners approved an application for QSCBs, which were made available through the American Recovery and Reinvestment Act of 2009. Catawba County received an allocation of \$9.7 million in 2009, with \$5.4 million pledged for the Newton-Conover Middle School project and \$4.3 million for Arndt Middle School. Last month, an additional QSCB allotment of \$1,810,312 was announced for Catawba County, as follows: Catawba County Schools, \$1,272,271; Hickory Public Schools, \$326,242; and Newton-Conover City Schools, \$211,799. Catawba County has received a total of \$11,508,553 in QSCB funds for 2009 and 2010. In the current year budget, the County set aside \$4,251,000 for the Arndt project. Including the gymnasium, the total project cost is estimated at \$5.2 million, which would be completely funded with QSCB funds. If the bonds are issued at 0% interest, the County will save approximately \$1.8 million in interest costs over the life of the loan.

The QSCB program initially offered federal income tax credits to the lender, at a level set by the U.S. Treasury Department intended to allow the issuance of bonds without interest to willing financial institutions. However, there was very little interest among financial institutions to offer these bonds and none have offered the bonds at 0% under this method. In March 2010, the federal government changed the structure of the program to allow for the issuance of taxable interest bearing bonds, with a federal subsidy to the borrower for the amount of interest paid on the bonds. This could result in a 0% interest rate, depending on the term, and has spurred greater interest by financial institutions. These bonds may only be issued by local governments, which will then be responsible for repaying the principal amount of the bonds. Bond proceeds must be used for construction, rehabilitation or repair of a public school or for land acquisition for such a facility. The bonds cannot be used for athletic stadiums or stand-alone buildings that are not used for the education of children, such as central office facilities. Applications for the bonds must be submitted to the North Carolina Department of Public Instruction by June 15, 2010 and issued by December 31, 2010.

The County intends to finance the Arndt project, along with the new County Home Middle School sometime in the next couple of months, when interest rates are most attractive. At that time, the County will attempt to issue the 2009 and 2010 QSCBs at a 0% rate and finance the balance of the two projects under traditional means, expected to be at a rate of 4.0-4.5% interest. The traditional financing consists of pledging the asset acquired or constructed as collateral for the loan in case of default. Since the County does not own the land on which both middle schools would reside, the two Boards of Education must convey the land to the County in order for the County to borrow the funds for both projects. The County will, in turn, lease the schools and land back to the Boards of Education for their use, and at the end of the financing term, transfer all rights to the property back to the school systems.

The Hickory Public Schools have no projects remaining in the current four-year construction cycle. However, earlier in this fiscal year, the Board of Commissioners agreed to advance \$1.9 million from the next four-year construction cycle to complete renovations at Hickory High School. This amount will be reduced from the next four-year construction cycle allocated to the Hickory Public Schools. The Hickory Public Schools transferred their 2009 QSCB allocation to the Newton-Conover City Schools for the new middle school project, and its Board of Education will consider transferring their 2010 allocation to Newton-Conover City Schools at its May 10, 2010 meeting. Catawba County and Newton Conover City Schools have each approved a resolution authorizing the QSCB bonds. Any unused QSCB funds will be transferred to Newton-Conover City Schools to be used towards the County Home Middle School or allocated to a future school construction project.

Commissioner Barger made a motion to approve the renovation of Arndt Middle School at an estimated cost of \$5.2 million, authorize an application for 2010 Qualified School Construction Bonds to take advantage of the potential to issue zero-interest bonds for the school project and appropriate funds, sufficient to complete the project up to \$5.2 million, and transfer any remaining QSCB funds to the Newton-Conover Middle School project. The motion carried unanimously.

B. Finance Director Rodney Miller presented a request for the Board to award an architectural services contract for the proposed expansion of the County's Justice Center facility to Little

Diversified Architectural Consulting of Charlotte, NC, partnering with Hellmuth Obata & Kassabaum (HOK). Little/HOK is the same architectural team that designed the jail expansion in 2005.

The work is to include two phases commencing a concept development phase of \$138,070 that will determine the best option for the building design and the integration of all functions necessary on the site. It is expected that this work will take several months to complete, at which time the recommendations will be presented to the Board of Commissioners for review and approval. The Board would then consider whether to authorize Little/HOK to move forward with the next phase, which will include architectural drawings of the Justice Center Expansion and Public Safety Facility.

The Catawba County Justice Center is more than thirty years old. Since its opening, there has been only minor interior renovations and one expansion to the building, the jail expansion in 2005. Courtroom space is no longer adequate to accommodate the growing caseloads. A new 911 Communications Center is needed due to inadequate space for equipment, lack of electrical power and limited options for remodeling. Additionally, the County's Emergency Operations Center is inadequate when activated for emergency situations. In fact, the County was cited by FEMA in September 2006 for inadequate space at the Emergency Operations Center.

Catawba County contracted with Solutions for Local Government, Inc. to conduct a space needs study for the Justice Center and a facility program for a Public Safety Facility. The Board of Commissioners held a special session to receive this study on May 18, 2009. At this meeting, Steve Allan with Solutions for Local Government, Inc. presented the study to the Board and representatives from the Justice Center and Public Safety divisions. Mr. Allan reviewed the space needs for the following agencies and functions: District Court, Superior Court, Clerk of Court, District Attorney, Sheriff's Office, Register of Deeds, NC Probation & Parole, Repay, Family Court, Communications Center, Emergency Operations Center, Emergency Services and Emergency Medical Services. Mr. Allan was asked to assess the development of a new Public Safety Facility to include space at a single location for several of the major public safety and emergency response functions. These functions are currently located separately within the Justice Center, Government Center and Agriculture Resource Center. Mr. Allan also prepared a detailed facility program and defined the requirements for a future Public Safety Facility.

At the May 18, 2009, meeting, the Board agreed to move forward with selecting an architect for the Justice Center expansion and renovation, and construction of a new Public Safety Facility. The selected firm would conduct a detailed facility program for the Justice Center, similar to the one prepared for the Public Safety Facility. The solicitation of an architectural firm is governed by North Carolina General Statute 143-64.31. Local governments are required to (1) announce all requirements for architectural services; (2) select firms qualified to provide such services on the basis of demonstrated competence and qualifications for the type of professional services required, without regard at the preliminary stage to the firm's fee other than unit price information; and (3) thereafter negotiate a contract for the architectural services with the best-qualified firm. If a contract cannot be negotiated with that firm, negotiations are to be initiated with the next best-qualified firm.

On June 19, 2009, 22 qualification statements were received for both the Justice Center Renovation/Expansion and the Public Safety Facility projects. After review, a short-list of nine firms was tentatively selected based on experience with similar projects including additions/renovations to courthouses and/or public safety facilities. References were checked for the nine firms and, based upon references, five firms were invited to be interviewed and make presentations. The five firms selected were: 1) CBSA, Hickory/Ware Bonsall, Charlotte; 2) Little Diversified, Charlotte/HOK, Washington DC; 3) MBAJ, Charlotte; 4) Stewart-Cooper Newell, Gastonia; 5) Yates-Chreitzberg-Hughes, Concord/Moyer Associates, Illinois.

Two separate committees were established to participate in the architectural presentations and to make a recommendation to the Board of Commissioners: The Justice Center Renovation and Expansion Committee was composed of The Honorable Nathaniel J. Poovey, Resident Superior Court Judge; Rodney Miller, Finance Director; Debbie Anderson, Purchasing Agent; Terry Bledsoe, Chief Information Officer and Ernest Williams, Construction Coordinator. The Public Safety Facility

Committee members were: Lee Worsley, Assistant County Manager; Rodney Miller, Finance Director; Terry Bledsoe, Chief Information Officer; David Weldon, then the Emergency Services Director; Jerry Boggs, Telecommunications Administrator; Bryan Blanton, EMS Manager; Debbie Anderson, Purchasing Agent and Ernest Williams, Construction Coordinator.

The committees determined it would be in the best interest of the County to award both projects to one firm with the best references, qualified staff and experience in the design of a Justice Center and Public Safety Facility. Awarding both projects to one firm would streamline project management and provide for cost savings, both in fees and meeting expenses. Interviews for the five finalists were held in August 2009. Each firm was asked to present its qualifications to the committees for both the Justice Center and the Public Safety Facility. Evaluation forms were used for the interview process and the score for each was as follows: Little Diversified/HOK 375.75; Stewart Cooper Newell, 370.75; Yates Chrietzburg & Hughes 363; CBSA/Ware Bonsall 347.5 and MBAJ 307. After the presentations, the committees decided to pursue additional references for the top four firms and schedule site visits to inspect buildings designed by each firm.

During the architect evaluation phase, the committee determined it would be in the best interest of the County to combine the Public Safety Facility with the Justice Center Expansion under one roof. The proposed location for a stand-alone Public Safety Facility would not allow for good emergency vehicle road access, site development would be costly because of slope at the proposed site, and combining the projects will reduce design, site development and construction costs and preserve future building space on both sites.

Little's design fee has been negotiated to 6% of the estimated total project cost, and Little has agreed to partner with McGill Associates of Hickory NC, for civil engineering and landscape design services. A survey of architectural fees for projects within the last two years revealed fees in a range from 7% to 10.8%, depending on the size of the project.

As the committee discussed building options, Judge Poovey championed the need for shell space in the facility, so the County would not short-sight itself with a 20-year plan. He proposed to approach the design of the facility on a longer-term basis, such as a 50-year plan, to acknowledge the lasting image and function of a county courthouse. The committee unanimously agreed and, based on this, the project design will consider alternate bids for 45,000 square feet of shelled space for future use and a parking deck as recommended in the Solutions for Local Government study. The anticipated date for design completion and construction bidding is late 2011. Approximately \$12 million is estimated to be available if construction bids are awarded in 2011. These funds have been accumulated from the ¼ cent sales tax implemented in April 2008, along with 911 funds set aside for a new 911 center.

Judge Poovey came forward to stress the choice of architect was without question and again reiterated the need for the 50 year plan and shell space. Commissioner Lail made a motion to award an architectural services contract for the proposed expansion of the County's Justice Center facility to Little Diversified Architectural Consulting of Charlotte, NC, partnering with Hellmuth Obata & Kassabaum (HOK). The motion carried with a 4 to 1 vote. Chair Barnes stated her opposition to the award was she felt strongly that in the current economic conditions, contracts should be awarded to local contractors.

12. Other Items of Business: None.

13. Attorneys' Report: None.

14. Manager's Report:

Assistant County Manager Lee Worsley requested the Board consider adding an item to its State Legislative Agenda for the 2010 Short Session. This addition is to support local legislation to allow Catawba County flexibility with energy efficient projects. During the 2009 legislative session, local legislation was adopted that exempted the City of Raleigh from the competitive bidding requirements

for projects associated with specific energy efficiency program and to authorize the cities of Raleigh and Winston-Salem to enter into a lease for the siting and operation of a renewable energy facility for twenty years without treating it as a sale and without giving notice by publication. If Catawba County was successful in being included in this local act, it would facilitate the purchase of the GE-Energy-Nexterra gasification equipment for the Bio-Energy Facility without being subject to the competitive bidding requirements. This would greatly simplify and shorten the purchasing process by not being required to follow the rigors of sole sourcing the needed and unique equipment and would save the County time and resources that otherwise would be wasted in garnering no additional qualifying bidders. Catawba County will also seek new legislation to give the County the ability to enter into a property lease for up to 20 years without treating the lease like a sale of property which subjects the lease to the sale by public auction, sealed bid, or negotiated offer and the upset bid process. The new legislation for Catawba County will be limited to project that are associated with renewable energy production, operation, and utilization and will only be employed with specific approval of the Board of Commissioners. This legislation can be used in facilitating the development of a Solar Renewable Energy Project at the closed Newton Landfill Property as well as other renewable energy opportunities. Vice-Chair Lail made a motion to add this item to the State Legislative Agenda. The motion carried unanimously.

Mr. Worsley then introduced Cole Setzer, a summer intern who would be joining the County Manager's staff for the summer. Cole had just graduated from Appalachian State University with his Masters in Public Administration.

13. Adjournment: Commissioner Hunsucker made a motion to adjourn at 8:15 p.m. The motion carried unanimously.

Katherine W. Barnes, Chair
Catawba County Board of Commissioners

Barbara E. Morris
County Clerk